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On Trump's Next Absurd Acquittal



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“Fight Like Hell to Take Back Our Country”

On Wednesday, January 6th of this year, with 14 days left in his fascist presidency, after months of trying to subvert the 2020 presidential election, a rabid Donald Trump sent thousands of his frothing minions to the U.S. Capitol to stop the certification of Joe Biden's Electoral College victory. The animating idea behind the Trumpist rampage that broke into the Capitol complex was belief in the baseless fascist lie that Biden and the Democrats had stolen the election from its supposed rightful winner, the demented oligarch Donald Trump.

Five people died in the assault while members of Congress hid for their lives. The body and casualty count could easily have been much higher. The overwhelmingly white male mob, including Proud Boys, Three Percenters, Oath Keepers, neo-Nazis, military veterans, and law enforcement personnel, spoke of lynching Congresspersons and Vice President Mike Pence. The marauders were equipped to kill and take hostages for the purpose of keeping their Dear Leader, Donald Trump, in power.

It was no random act of lumpenproletarian looting. Political scientist Robert Pape and researcher Kevin Ruby's [recent detailed analysis](#) of the 193 people arrested in connection with the January 6th Capitol Riot shows that:

“Two-thirds are 35 or older, and 40 percent are business owners or hold white-collar jobs. Unlike the stereotypical extremist, many of the alleged participants in the Capitol riot have a lot to lose. They work as CEOs, shop owners, doctors, lawyers, IT specialists, and accountants. Strikingly, court documents indicate that only 9 percent are unemployed.”

The Capitol rioters' motives were fundamentally political, driven by Trump's big “stop the steal” lie. As Pape and Ruby recently reported in *The Atlantic*:

“Our team reviewed all court documents related to each arrest—which include criminal complaints, statement of facts, and affidavits—and conducted searches of media coverage of each arrestee...the attack on the Capitol was unmistakably an act of political violence, not merely an exercise in vandalism or trespassing amid a disorderly protest that had spiraled out of control. The overwhelming reason for action, cited again and again in court documents, was that arrestees were following Trump's orders to keep Congress from certifying Joe Biden as the presidential-election winner. Dozens of arrestees, court records indicate, made statements explaining their intentions in detail on social media or in interviews with the FBI. ‘I am incredibly proud to be a patriot today,’ wrote a 37-year-old man from Beverly Hills, California, ‘to stand up tall in defense of liberty & the Constitution, to support Trump & #MAGAforever, & to send the message: WE ARE NEVER CONCEDED A STOLEN ELECTION.’”

Trump fueled the Attack on the Capitol with his Goebbels-worthy grand theft election story. For weeks, Trump had been telling his supporters to come to Washington to stop the certification. On December 19th he tweeted this: “Statistically impossible to have lost the Election” and “*Big protest in DC on January 6th. Be there... be wild!*” Nine days later, former Trump White House official Olivia Troye said that she was “very concerned that there will be violence on January 6th because the president himself encourages it. This is what [President Trump] does. He tweets. He incites. He gets his followers and supporters to behave in this manner, and these people think that they're being patriotic because they are supporting Donald Trump.”

Then came the January 6th rally on Constitution Avenue. Trump's mob lawyer Rudy Giuliani called for “*trial by combat*.” The Republifascist neo-Confederate Alabama Congressman Mo Brooks told the mob that “today is *the day American patriots start taking down names and kicking ass*.” Trump made inflammatory remarks that sent the frenzied mob over to the Capitol:

“You'll never take back our country with weakness. You have to show strength, and you have to be strong...Something is wrong here, something is really wrong, can't have happened and *we fight, we fight like hell*, and if you don't fight like hell, you're not going to have a

country anymore...we are going to...walk down Pennsylvania Avenue...to give our Republicans, the weak ones because the strong ones don't need any of our help, we're trying to try and give them the kind of pride and boldness that they need to *take back our country...I'll be right there with you.*"

By "our country," Trump meant a white-supremacist nation where a president could never-be unelected if he wins the Caucasian vote.

Delighted and Excited Over an Attempted Coup

As the attack unfolded, *The New York Times* learned, Trump was "initially pleased" by the events as he watched them on television. "He disregarded aides pleading with him to intercede." White House aides said Trump was "delighted," while "walking around the White House confused about why other people on his team [are]n't as excited."

Trump rebuffed and refused requests to mobilize the D.C. National Guard. The Guard was belatedly mustered to defend Congress only after the order came from acting Defense Secretary Christopher C. Miller. Vice President Mike Pence approved the command, not Trump. "Republican House Minority Leader Rep. Kevin McCarthy demanded that Trump make a statement denouncing the rioters. Trump refused, leading to a 'screaming match' between the two men."

At 4:17 PM, President Trump consented to tweet out a recorded statement in which he told his fascist marauders to go home but reiterated his absurd charge of a rigged election and told the rioters that "We love you, you're very special." At 6:01 he tweeted "These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long. ...*Remember this day forever!*"

Make no mistake, a delusional Trump wanted the events to spiral out of control to the point where he could declare a state of emergency and introduce martial law within and beyond Washington. There was little chance of that happening, but that was the hope and the intent, consistent with the counsel of his disgraced former National Security Adviser, fascist felon Michael Flynn.

Amerikaner activists feel invigorated by the fascist putsch attempt. The *Times* reports that the "safely pardoned" Flynn "is positioning himself as a voice of *a far-right that, in the wake of the Capitol riot, appears newly and violently emboldened.*" Terrorism expert Colin P. Clarke thinks the Storming of the Capitol could mark "a new era of far-right violence in America."

He reflected darkly after the riot:

"the siege of the Capitol will be framed [on the far right] as a successful demonstration ...Almost immediately, images from that day proliferated across [far right] social media platforms...Large segments of the mob that stormed the Capitol were unaffiliated.... these could well be the new foot soldiers of the far right. Some, perhaps many of these new recruits will have military experience or law enforcement training. The infusion of younger members

into the ranks of the far-right is likely to breathe new life into the movement...*References to the date Jan.6 will be just as symbolic for far-right extremists as Sept. 11 is to Americans...*[Trump's] efforts to spread disinformation, undermine longstanding democratic institutions and pit Americans against one another will continue to help propel the far-right long into the future...*The images of the Capitol siege ...will have enduring resonance...*The turbulence of the next several years should not be underestimated...With Mr. Trump no longer in office, a portion of his supporters are vulnerable to recruitment into more extreme networks and, potentially, white-supremacist and neo-Nazi organizations. These groups are energized and confident in their ability to co-opt militant Trumpists...As a result, a larger segment of the far-right could come to engage in racially and ethnically motivated violence...*the siege of the Capitol...could catalyze an age of domestic far-right extremism.*" (emphasis added)

An Act of Pre-Civil War

If Trump can't be convicted in an impeachment trial by the U.S. Senate and then barred from holding federal public office again after January 6th then there's really no point in having the impeachment clause in the U.S. Constitution. You might as well just tear the clause up and throw it away.

If the deranged lunatic Donald Trump can get away with fueling and then setting a match to a murderous mass assault on the nation's legislative branch and the certification of a U.S. presidential election, that is a big green light to future violent fascist attacks on bourgeois democracy or what's left of it – coming assaults likely to be led by shrewder, younger, and more disciplined authoritarians than the unhinged septuagenarians Trump and Giuliani.

The non-conviction of Trump is an invitation to future and more menacing and coordinated political violence by the far right. It will be an act of pre-civil war.

Bad Arguments...

All the arguments against Senate conviction of Trump and the banning of Trump from holding future federal office are idiotic. The argument that Trump shouldn't be convicted because he was simply exercising his right to free speech on January 6th is absurdly mistaken on multiple levels. The Senate does not have to determine whether Trump's First Amendment rights are being protected (they are) to find his conduct worthy of conviction under the impeachment clause.

The claim that it is unconstitutional to convict a president after he's left office is rejected by all serious constitutional scholars. The notion that a president can do anything he or she wants in their last month or so in office is absurd and dangerous.

The notion that the trial means Congress can't move forward on covid relief and other necessary measures is moronic. The idea that that the attack was a populist proletarian uprising is false (see above).

So is the idea that it “wasn’t really that big a deal” – something I’ve heard from more than a few “left” Facebook bloviators. Right, you betchya: eight thousand militant Trumpist-white supremacists and proto-fascists marched to Congress at the direction of their fascist commander-in-chief. An armed assault broke into the U.S. representative chamber with the explicit intent of halting the certification of a presidential election. The mob included military veterans and law enforcement personnel scheming to capture and even kill members of Congress (and even the insufficiently Trump-loyal Christian fascist Vice President). The event riveted national and global attention for hours and many days afterwards. Five people died. Fascist paramilitary groups were prominent among those who breached the complex. Herr Trump hoped the attack would provoke a crisis he could use as a pretext to declare a state of emergency and martial law, suspending the authorization of Biden’s victory. Sparked into action by the President of the United States, the rioters had allies inside Congress, including at least four Republifascist Congresspersons.

Sorry, that was a big deal in American history.

A supposed anarchist recently told a Chicago Refuse Fascism activist that Trump shouldn’t be convicted because a guilty verdict would “send the message that other capitalists aren’t criminals too.” *Oh, okay: let’s let some murderers go unpunished since other murderers get away with murder.*

I’ve heard it said that Trump shouldn’t be convicted because he and other presidents have (as I have noted in a recent *Counterpunch* essay) committed bigger crimes than January 6th, like the invasion of Cambodia, the invasion of Iraq, stealing children from their parents’ arms at the border, fueling and fanning a pandemic that may kill a million or more Americans. *Oh, okay, so people get to go free on one crime if they and others haven’t been charged with other and bigger crimes they committed.* Really?

There’s more I could say about the arguments being made against Trump being convicted and banned from future office. All of them are rubbish.

...That Will Prevail

But here’s the thing: the bad arguments will prevail. Trump is almost guaranteed to be “exonerated” for a second time by the Senate. Under the holy charter passed by and for 18th Century slaveowners and merchant capitalists for whom democracy was the ultimate nightmare, it takes a two-thirds vote in the upper body of Congress to convict. That’s not going to happen in a Senate that drastically over-represents the nation’s most reactionary regions: every state has two U.S. Senators regardless of population size, which ranges from nearly 40 million in liberal California to just over half a million in right-wing Wyoming. The deeply corrupt Senate Minority Leader Malevolent Mitch McConnell, who initially called Trump’s January 6th actions impeachable, now absurdly claims it is unconstitutional to convict a president after he’s left office.

Initial hopes that enough Republican Senators (17 are required) would turn against Trump to convict seem to have been dashed by the revelation that the electorally deposed fascist is too popular with his Amerikaner base for Congresspersons to properly punish him without incurring big primary voter backlash in right-wing districts and states. Cowardice combined with cynicism, racism, polarization, and constitutional absurdity seem certain to grant the Mar a Lago Mussolini yet another undeserved acquittal.

Sensing perhaps that the game is rigged by the nature of the deeply conservative U.S. constitutional and partisan set-up, last Sunday's *Times* didn't carry a single story or editorial on this week's Senate trial. The trial must go forward and will contain a great deal of shocking material on Trump's conduct and the riot, but much of the liberal elite is quietly in "let's move forward not backward" mode – the same mindset behind the non-prosecution of Bush and Cheney for torture and the murder of Iraq.

This is the *Hollow Resistance* that the bipartisan fascism-appeasing American establishment has long exhibited in response to the growth of the ever more mainstreamed Amerikan far right. This is the mindset of MoveOn.org and Indivisible and other so-called Democracy Defenders, the liberal and progressive Astroturf groups that explicitly decided NOT to take to the streets and the public squares to make a visible popular response to the neofascist authoritarians who are being allowed to terrorize the nation. They kept people off the streets and refused to say "the F-word" for most of the last four years of Trump's fascist presidency. They stayed true to their fascism -denial and quiescence to the bitter end, refusing to make a mass anti-fascist statement even after a failed coup attempt.

The mainstream liberals and progressives don't get it. Fascism must be properly and openly identified, refused, fought, and defeated. The same goes for the at once racist, sexist, and ecocidal capitalist-imperialist system that gives birth to the far right again and again throughout history. Only mass popular resistance determined to carry out an actual people's anti-capitalist, anti-racist, anti-sexist, and anti-imperialist revolution can defeat this fascist movement and the sick, eco-extremist class rule social order that gave rise to it.

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Paul Street's new book is [*The Hollow Resistance: Obama, Trump, and Politics of Appeasement.*](#)